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SUMMARY RECORD OF THE 1065th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 July 1991, at 3 p.m.

Chairman: Mr. POCAR

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant

Initial report of the Sudan

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Initial report of the Sudan (CCPR/C/45/Add.3)

1. At the invitation of the Chairman, Mr. Abdel Samie Omer (Sudan) took a place at the Committee table.

2. The CHAIRMAN invited the representative of the Sudan, Minister and Political Adviser to the Revolutionary Command Council, to introduce his country's initial report (CCPR/C/45/Add.3).

3. Mr. ABDEL SAMIE OMER (Sudan) said that four highly significant developments had occurred since the submission of the initial report on 3 January 1991: the promulgation of a fourth constitutional decree on 4 February; the organization, from 10 to 18 March, of a major Conference on Justice and Legal Reform; the release of political detainees on 29 April; and the first steps towards a political system of participatory democracy.

4. The essential purpose of Constitutional Decree No. 4 was to lay the legal foundations of a federal system in the Sudan. Its provisions repealed all earlier regional government legislation. It established the number of states and their capitals and boundaries and made each state a corporate entity. It also dealt with federal and state jurisdiction and powers, federal immunities, federal and state organs of government and state responsibilities, and catered for legislation during the transitional period. Lastly, it established specific rules concerning the vital issues of the state budgets and revenues.

5. In conformity with its practice of seeking consultation and advice on serious national issues, the Government of the Revolution for National Salvation had convened a large-scale Conference on Justice and Legal Reform, which had been attended by more than 1,000 professionals and experts concerned with law and the administration of justice, as well as observers from other countries. Thorough and intensive discussions had resulted in the formulation of almost 100 important recommendations, some of which were of a general nature while others related specifically to the judiciary, the Ministry of Justice and the Attorney-General's Office; the police; prisons; military justice; legal reform; and legal education, training and qualifications. The recommendations, which were far more than the expression of pious hopes, having been drafted by those who were determined to seek their speedy implementation, were unique in the Sudan's history, and leaned strongly towards the promotion and protection of fundamental human rights. Full details would be forwarded to the Committee, but in the meantime he would highlight some of the most significant of the recommendations.

6. Reiterating that the principal objective was the establishment of a federal system on appropriate and - most importantly in view of all the instability of recent years - permanent legal and constitutional foundations, once the peaceful settlement of the conflict and civil war had been consolidated, he said that the right to litigate would be guaranteed as a natural right; recourse to the customary agaweed mechanism for mediation and

the settlement of disputes out of court would be encouraged; and there would be control over the granting of immunities so that equality before the law might reign supreme. The recommendation that all arrest and detention procedures should be subjected to judicial control and review marked a radical reform that would be implemented very shortly. Several recommendations concerned the protection of the independence of the judiciary; the protection of judicial work from interference; the responsibilities and security of tenure of judges; legal ethics and the conduct of advocates; the acceleration of procedures; the simplification of processes of litigation; the limitation of the jurisdiction of Courts of Public Order; and the virtual elimination of exceptional or special courts.

7. While the establishment of a system of mazalim, or ombudsman, was the subject of another recommendation, together with the expansion of legal aid services, the role and functions of the Attorney-General's Office were also addressed in some detail. Pointing out that the separation of the posts of Attorney-General and Minister of Justice, which had become intertwined through a merging of Anglo-Saxon and Arab traditions, was among the measures envisaged, as was the extension of Attorney-General's offices to all states of the Federation as a means of facilitating the settlement of disputes between citizens and the authorities, he explained that those were just a few examples of the attempts being made to unravel and simplify the complexities of a legal system whose traditional roots were to be found in customary law, the Islamic Shariah, and Anglo-Saxon positive law alike.

8. Another series of recommendations dealt with custody, detention and penal reform, although as far as the latter question was concerned, the Sudan had already made considerable progress. It was also recommended that the jurisdiction of the military courts should be restricted to issues affecting military personnel. Finally, a series of recommendations covered the technical revision of laws on the one hand and the more abstract business of law reform on the other, as well as measures to extend and strengthen the legal profession and, more especially, to ensure that graduates taking up practice in the Sudan after studying abroad would be able to cope with all the ramifications inherited from the past.

9. With regard to the third major recent development - the release of virtually all political detainees, numbering some 300 - only a few such individuals remained in prison, facing specific charges. In addition, the Government had put forward amendments to all security legislation and they were expected to be approved in the near future.

10. Lastly, because of the perceived unworkability of multi-party democracy or the single-party model in the Sudan, given the country's enormous linguistic, ethnic and cultural mix and the negative and bitter experiences of the past, steps were being taken to introduce a system of participatory democracy without political parties, with the aim of securing popular and truly democratic participation in the decision-making process. Not only was that system expected to ensure full representation from the grass roots upwards; there were special hopes that it would enable the voices of the enlightened, better-educated citizens of the country - the so-called "modern forces", who were at ease neither in the traditional family-based parties nor in alien sectarian or religious parties whose ideas were imported from abroad - to be heard in the national debate.

11. Mr. EL SHAFEI remarked that, although the fact that four of the States party reports to be considered at the current session were from Arab countries was no more than a coincidence, it perhaps constituted a good omen for the achievement of widespread observance in the Arab world of the rights enshrined in the Covenant.

12. By formalizing contact with States parties, the Committee's consideration of initial reports was usually among the most interesting of its exercises and one which formed the basis for the study of subsequent reports. Summing up what the members of the Committee expected from such reports, and outlining the structure of the dialogue that was expected to ensue, he welcomed the initial report of the Sudan as an interesting, albeit brief and somewhat tardy document. It was explained that the measures which it related had been taken in response to the critical situation in the country, where fighting in the south and instability in the north were compounded by social, economic and natural disasters of all kinds, including a massive refugee problem. Exceptional steps, it was claimed, had been necessary to ensure national salvation.

13. Nevertheless, and despite his great sympathy for the country in its grave predicament and his hopes that the current difficulties would eventually be overcome, he pointed out that, in the not too distant past, the Sudan had been a democracy serving as an example for other Arab regimes. It was certainly not the Committee's role to pass judgement on the authorities of the reporting State, but its members were responsible for determining, to the best of their ability, the extent to which fundamental civil and political rights were actually protected and promoted in the country concerned. The questions he would ask had been formulated with that consideration in mind.

14. Firstly, what was the status of the laws which had been in force in the Sudan in June 1986, before the three different regimes that had followed? Secondly, how could the powers of the President of the Revolutionary Command Council for National Salvation to order the arrest of individuals merely suspected of endangering political or economic stability be reconciled with the provisions of articles 21, 22 and 25 or indeed of articles 12, 13 and 14 of the Covenant? Furthermore, the very important article 6 of the Covenant only permitted the death penalty to be imposed for very serious crimes. Section 41 (a) of Constitutional Decree No. 2 clearly contravened all those provisions. In addition, there had been reports of prisoners being compelled to testify under torture. Such practices were hardly "in harmony with the provisions of the Covenant", as stated in paragraph 13 of the report. He further inquired how many political prisoners were still under detention and whether they were awaiting trial before special or ordinary courts. Moreover, what was the situation regarding trade union freedoms as provided for in article 22 of the Covenant and ILO instruments, and what impact had the state of emergency had on such freedoms? Noting that Constitutional Decree No. 2 gave special courts the right to try persons accused of violating the provisions of that Decree or of any order made under it, he asked what procedures existed, relating specifically to the state of emergency and to the functioning of the special courts.

15. Mr. NDIAYE said that it would have been possible to invoke the difficult conditions experienced by the Sudan in recent years as a pretext for not submitting a report. It was gratifying that the Government had not done so, since breaking off relations merely put an end to any possibility of a dialogue with the Committee.

16. The report which had been submitted was a short one, but of course reports were to be judged not so much by their length as by their content. In that connection, the Committee would undoubtedly be concerned by the fact that Constitutional Decree No. 2 set aside all existing regulations and assigned quite exceptional powers to the President. The wording of the provision mentioned in paragraph 7 (g) of the report, was too flexible in permitting the arrest of individuals under mere suspicion of endangering political or economic stability; the implications of that provision were ill-defined. Moreover, the Committee would like to know how the rights of those remaining political prisoners were guaranteed and how those rights had been affected by the introduction of the new legal arrangements.

17. Paragraph 13 of the report implied that the abrogation of the 1985 Constitution did not involve a corresponding abrogation of human rights. Nevertheless, constitutional decrees apparently took priority over ordinary law. The Sudanese representative's failure to shed light on such discrepancies was especially unfortunate, since there was serious reason to believe that violations of human rights had occurred in the Sudan. It was not clear from paragraph 12 what was the status of human rights under the Covenant in the light of the constitutional decrees.

18. When referring to the multi-party system referred to in paragraph 17, the Sudanese representative had stated that a multi-party system was unworkable in the Sudan. It was, however, significant that the Committee had heard similar opinions expressed by other countries, such as Zaire and the Niger, which had nevertheless subsequently gone back on those views and created a multi-party system. The important point was that all Sudanese citizens should have a say in the running of public affairs and be eligible to compete for all offices of the State, including the highest.

19. Mr. FODOR observed that the report had been submitted about four years behind schedule and did not comply with the Committee's guidelines. However, he hoped that the Sudanese representative would be in a position to provide more information so as to provide the necessary foundation for a dialogue with the Committee. The failure to supply information on the three different regimes which had held power since 1986 was unfortunate, since, although frequent changes of regime added to the complexity of the situation, the Committee was responsible for examining the state of human rights in a country over a whole period and had therefore to adopt a dynamic rather than a static approach. The contents of the report and its oral presentation all appeared to relate to what was intended to happen in the future, whereas the Committee's task was to consider the situation in the immediate past and compliance with the articles of the Covenant during that period. The reasons for the failure to adhere to the Committee's guidelines were more likely to be found in the State party's failure to provide a sound basis for the enjoyment by Sudanese citizens of their rights under the Covenant, a situation which emerged only

too clearly from paragraph 12 of the report. If the Covenant did not form part of the national law of the Sudan, what was in fact the foundation for respect of the rights enshrined in that instrument?

20. Regarding paragraph 5, it would be of interest to know who was responsible for deciding whether a law should continue to apply. Since the Revolutionary Command Council for National Salvation obviously exercised judicial powers also (questions relating to arrest having been referred to it), it would again be interesting to know how the RCCNS was appointed and whether it enjoyed the confidence of the people. The reference to a state of emergency in paragraph 15 of the report raised considerable doubt as to whether the observance of human rights was possible at all in the present de jure and de facto situation, under which a very large range of offences were punishable by death. Many citizens had lost their lives during the civil war, some by execution and torture, and there had even been a resurgence of slavery in many parts of the country. All those issues required clarification.

21. Mr. AGUILAR URBINA said that the constitutional decrees, which were apparently the only fundamental laws currently in force in the Sudan, contained a series of derogations from articles of the Covenant including provisions from which no derogation was permissible under article 4. In spite of the claim in paragraph 13, there was nothing in the report to indicate that Sudanese legislation was in fact in harmony with the provisions of the Covenant. The Committee was entitled to be very disturbed by so short and insubstantial a report, when available information indicated that serious infringements of the Covenant had occurred and were still occurring in the Sudan. Although the report should have been presented in 1987 at the time when the RCCNS had seized power, no information had been provided on what had happened in the meantime. A very much fuller report was required, to enable an article-by-article analysis of compliance with the articles of the Covenant to be carried out.

22. One very clear derogation was from article 6, the paramount article of the Covenant, which enunciated the right to life and stated that the death penalty could only be imposed for serious offences. It was known, for example that a man had been sentenced to death merely for participating in the planning of a strike, although it was true that the death penalty had subsequently been remitted. It was the Committee's view that State parties were responsible for the behaviour of the security forces vis-à-vis the population, and reports had indicated that the security forces and the army had frequently violated the right to life, which was protected by article 6 of the Covenant. Not only had calls for investigation of such violations been disregarded, but the presumed complainants had been thrown into prison and maltreated. The reference to the state of emergency in paragraph 18 appeared to imply that, in the absence of progress in the establishment of the political system, the state of emergency might endure indefinitely. He would like a comment from the Sudanese delegation on that possibility. Paragraph 9 of the report, which dealt with the setting up of special courts for the trial of accused persons, appeared moreover to conflict with the right of all persons to a fair and public hearing before an independent and impartial tribunal established by law (article 14).

23. Mr. MYULLERSON thanked the Government of the Sudan for its report. It should be noted, however, that the report did not follow the Committee's guidelines and did not reveal the real situation prevailing in the Sudan.

24. He hoped that the discussion in the Committee would make it possible to obtain information concerning compliance with specific articles of the Covenant. He would like to know whether the Government had notified the Secretary-General, as provided for in article 4 of the Covenant, of its promulgation of the state of emergency.

25. Noting that the new Penal Code was based on the Sharia, he asked whether it would also be applied in those parts of the country which were primarily non-Muslim. With respect to flogging and amputation, which were commonly regarded by impartial bodies, non-governmental organizations and United Nations organs as inhuman and degrading, he would like to know whether the new Penal Code provided for such punishment and, if so, whether it was applied in practice.

26. Referring to article 126 of the Penal Code, which, according to his information, stated that any Muslim who advocated abandonment of Islam would be regarded as having committed apostasy, he asked how such a stipulation could be considered to be in accordance with the provisions of the Covenant, in particular article 18.

27. He would like to know what the expression "Showing of any political opposition" in paragraph 8 (a) of the report meant in practical terms. For example, he wondered whether, under the decree in question, making statements critical of the Government was considered to be a form of political opposition.

28. With regard to article 6 of the Covenant, he would welcome information concerning the number of cases in which the death penalty had been imposed.

29. Referring to paragraph 12 of the report, he would like to know how the Sudan could implement the requirements of the Covenant without enacting special legislation. In that connection, he thought it strange that the Government should say in paragraph 13 of its report that Sudanese legislation remained in harmony with the provisions of the Covenant.

30. Noting that the one-party system had failed in many countries, he wondered whether the Government was not afraid that, without the existence of political parties, it would be unable to fulfil the requirements of article 25 of the Covenant.

31. Mrs. HIGGINS welcomed the delegation of the Sudan and thanked it for the additional information it had made available. However, she wished to point out that the report itself was clearly inadequate. In that connection, it often happened that the Government which was represented before the Committee when a report was due was not the same one that had been in power during the entire period dealt with by the report. That could occur when there had been a change in Government because of elections, a coup d'état or for other reasons. However, it was the State that was the party to the Covenant, and the Government of the day necessarily exercised international responsibility for that State at a given moment of time. The individuals whose rights were

to be protected under the Covenant were concerned that the State in which they lived should guarantee their rights and they expected the Committee to monitor the situation in that regard. Furthermore, even if the current Government in the Sudan was held to be responsible only for what had occurred since its period in office, the report before the Committee did not even follow the guideline for that situation. There was no reason why the report could not have covered at least the period of the last two years.

32. With regard to article 4 of the Covenant, it seemed, according to paragraph 15 of the report, that all that was required was not to depart from the articles from which no derogation was permitted. However, much more was required under article 4. A State might not be entitled to derogate from other articles at all unless the circumstances envisaged under article 4 were met, and it was for the Committee to decide whether that was the case. It could only do so if the procedural notification required under article 4, paragraph 3, had been made. To the best of her knowledge, there had been no such notification. Secondly, it would be necessary to examine each of the derogations made and to see whether each one was required by the exigencies of the situation.

33. With regard to article 6 of the Covenant, she would like to know how many persons had been executed since 1989, whether extrajudicial executions had been a problem and how the death sentence for apostasy could be justified.

34. With respect to article 7 of the Covenant, she said that torture continued to be a serious problem. Furthermore, members had been informed of instances of public flogging, particularly of women street vendors operating without a licence. She would also like to know whether the new Penal Code provided for judicial amputation, crucifixion and public flogging.

35. With regard to articles 9 and 10 of the Covenant, there had been reports of political arrests and of prisoners being held at security headquarters where no visits by family members or lawyers were permitted. Information had also been received about the severe conditions prevailing in certain prisons.

36. With respect to article 14, she said that, since 1989, large numbers of judges considered not to be sympathetic to the regime had been removed and replaced by other judges. She would welcome further information on the Courts of Public Order in the Khartoum market-place where summary justice seemed to operate. She had been informed that in the special courts lawyers were unable to plead, cross-examine witnesses or appeal to higher courts. In that connection, she had recently seen a statement to the effect that those courts were to be abolished: was that an indication of intention or had that actually been done?

37. Referring to article 18, she mentioned the question of apostasy and said she would welcome more information on freedom of religion in the Sudan. As to articles 21 and 22, she would like to have further details on the particular problems faced by associations and trade unions. In that connection, she would welcome clarification about the reported arrest of trade unionists and academics who had taken part in a peaceful demonstration.

38. She had listened with great interest to the new legal proposals made and hoped that in due course the Committee would be able to examine the specific instruments. She had been interested to hear that political prisoners had been released. There seemed to be some difference of opinion between the Government and various non-governmental organizations about the numbers of remaining political prisoners and who constituted such prisoners. She hoped that something could be done to eliminate that difference of views.

39. Referring to article 25, she stressed the need for individuals to have a real choice and to be able to exercise self-determination. In other words, people must be able to choose a system and to have choices within it.

40. Mr. MAVROMMATIS said he was impressed by the courage of the Government of the Sudan in submitting the report, which, however unsatisfactory, would enable the Committee to initiate a dialogue that would help the Government in the crucial steps it was taking towards a return to democracy. He would welcome more background information on the historical, political and economic factors involved in the situation in the Sudan which would enable the Committee to understand the reasons for toppling an elected Government. He would like to know when it was envisaged to return to democracy. No one could justify the abrogation of political rights.

41. With regard to paragraph 7 (g) of the report, he said that individuals suspected of endangering political or economic stability should be entitled to appeal to an independent body. With respect to paragraph 8 (a), he remarked that the expression "political opposition" was a very vague term. Referring to paragraph 11 of the report, he noted that section 41 (a) gave very sweeping grounds for handing down a death sentence or imposing a term of imprisonment. Even if notice had been given of the proclamation of a state of emergency, such a provision would be contrary to article 6 of the Covenant.

42. Mr. ANDO thanked the Government of the Sudan for having sent such a high-level delegation and emphasized the importance of developing a dialogue. The Government itself had recognized that need by allowing a number of non-governmental organizations to visit the Sudan.

43. Turning to paragraphs 12 and 13 of the report, he asked how the Government envisaged safeguarding the application of the Covenant in view of the absence of any provisions protecting the rights referred to therein. He asked how the independance of the judiciary was guaranteed and what qualifications were required in order to be appointed as a judge of a special court. Although other members of the Committee had already mentioned paragraph 7 (g) of the report, he inquired how an appeal against arrest to the Revolutionary Command Council for National Salvation (RCCNS) could operate, as the President of the Council was himself ultimately responsible for ordering arrests. Paragraph 7 (e) stated that government employees could be dismissed from their employment by RCCNS and also lose their benefits, and he asked how their right to tenure and to a pension were protected. With regard to paragraph 8 of the report, he asked whether any foreign newspapers were allowed into the Sudan, whether the activities of foreign journalists were restricted and whether a prior licence was required to publish. He believed that radio and television were a state monopoly, and inquired whether there were any plans for their privatization. He also asked whether any academics had been dismissed since the revolution and, if so, why.

44. It was necessary to clarify the new political system described in paragraph 17 of the report as being based on participatory democracy. He asked whether any trade unions had been dissolved and any new ones created since the revolution. The Sudan being a country of many dialects, it would be interesting to know whether the Government had arranged for the Covenant to be translated into any of those dialects so as to acquaint the population with their human rights. Lastly, he inquired whether there was any prospect of the state of emergency being lifted.

45. Mr. DIMITRIJEVIC said that the course chosen by the Government of the Sudan in deciding to meet with the Committee, rather than avoiding its scrutiny, was an encouraging sign, and the report it had provided was extremely frank. The report seemed to imply that the Sudan had more important problems to deal with than protecting human rights. The presence of the Sudanese delegation was a sign of the Government's willingness to learn, and the Committee was encouraged by the assertion in part II of the report that non-derogation from articles 6, 7 and 8 (paras. 1 and 2), 11, 15, 16 and 18 of the Covenant was strictly observed.

46. However, the Committee would have appreciated a general introduction setting out the justification for the severe measures the Government had felt compelled to adopt, and providing a description of Sudanese society. He noted, in particular, the absence from the report of any mention of the new Penal Code, which he believed had been enacted before the report had been written. The Code, which was based on the Shariah, could be seen as being discriminatory in some respects. For instance, in some cases it perscribed a more severe punishment for Muslims, and the penalties for adultery were different in the north and the south of the Sudan. The Committee attached great importance to non-discrimination and had drafted a general comment on the subject, to which he drew the delegation's attention. The report made no mention of the position of women in the Sudan, or of the practice of slavery, which was reportedly still current. Although recent Governments could not be held responsible for the nature of Sudanese society, if they wished to modernize they had to turn their attention to such issues.

47. More important still was the observance of article 6 of the Covenant, which established the right to life. The list of offences to which the death penalty applied was very vague, and some of the offences were clearly not of the most serious nature. With regard to article 7 prohibiting torture, a number of the sentences prescribed were clearly not humane. Paragraphs 9 to 11 of the report described the extremely severe provisions that applied to ill-defined crimes, and he asked, in particular, whether the constitutional decrees applied to acts committed before their adoption. Regarding article 27 of the Covenant, as the Sudan was composed of a large number of minorities and of different religious groups, the Committee would welcome information on the composition of Sudanese society and on how the Government intended to allow the different groups to co-exist within a federal system.

48. Mr. SADI said that, like his colleagues, he appreciated the bluntness of the report submitted by the Government of the Sudan. It was clear from paragraph 12 that none of the rights contained in the Covenant were operative in the Sudan. After such a frank admission, there seemed no point in the Committee probing into details. The only course open to it was to convey a

message, through the delegation, to the Government of the Sudan in order to persuade it to work towards achieving observance of the provisions of the Covenant.

49. The gist of the message should be that sovereignty was no longer absolute. All countries that had signed United Nations treaties had to comply with their provisions and could not legislate just as they wished. Although the Committee appreciated the problems faced by the Sudan, those problems were no reason to deviate so far from the minimum rules for the observance of human rights set out in the Covenant. For example, the international community would never accept that adultery should be punished by death, or that the requirement, reported by the International League for Human Rights, for a woman to provide four Muslim male eyewitnesses to substantiate an accusation of rape, was just. The Committee should not condemn, but attempt to guide the Sudan back to the path marked out by the Covenant. The Government of the Sudan had also been accused of violating trade union rights and of detaining trade unionists, some of whom had allegedly died in prison. The delegation should inform its Government that, while the Committee sympathized with its difficulties, there were certain minimum human rights standards that had to be observed.

50. Mr. PRADO VALLEJO said that he, too, appreciated the decision of the Government of the Sudan to send such a high-level delegation to the Committee, a decision he interpreted as indicating its willingness to enter into a dialogue. As far as the report was concerned, its inadequacy was matched by its sincerity. The information provided in paragraphs 7-9 illustrated the absence of guarantees for basic human rights in the Sudan. He himself came from a third world country which shared some of the problems faced by the Sudan, but it was clear that, regardless of those difficulties, developments in the Sudan had taken an extremely negative turn as far as respect for human rights was concerned. The report showed that the Government could do and undo as it wished, without reference to any law or standard. Under Constitutional Decree No. 2, article 6, the Government possessed an extensive range of powers in the social, political and economic fields. There was a ban on political parties and on strikes, participation in which could entail the death penalty. Freedom of movement and transport were restricted, and government employees could be dismissed without compensation. The special courts established their own rules and procedure.

51. The dialogue between the delegation of the Sudan and the Committee should be designed to put an end to the situation described in the report. The Covenant was jus cogens, i.e. it was mandatory for all countries in the world. In the Sudan, there were extrajudicial executions and individuals were ill-treated. The provisions of article 4 of the Covenant, regarding derogations from the Covenant, had been ignored. The new Penal Code was based on the Shariah and not on the Covenant. Emergency legislation gave extensive powers to the Government and there were reportedly secret detention centres. Slavery and the slave trade were also reported to exist, and it was unacceptable that an offence such as apostasy should carry the death penalty. Although some political prisoners had been released, they were subject to all sorts of restrictions. The Secretary-General of the Islamic Front had made a statement calling for the execution of all opponents. Such declarations were totally at odds with the Covenant.

52. Discrimination on grounds of sex and religion also existed. The new Penal Code contained punishments that were unacceptable to the international community, and provided for no less than 31 political offences.

53. The best contribution that the Committee could make would be to persuade the Government, through its delegation, of the need to bring Sudanese law into line with recognized international standards.

54. Mr. WENNERGREN thanked the Sudanese delegation for its willingness to enter into a dialogue, which he took as proof of the Sudan's desire to fulfil its obligations under the Covenant. It had been indicated that the Sudan was in a state of transition. Transition was not in itself bad, provided that it was headed in the right direction. The recommendations made by the Conference on Justice and Legal Reform, which had been described to the Committee, seemed to show that the Sudan was indeed heading in the right direction. However, he had been struck by the absence from those recommendations of any mention of protection for fundamental human rights or of any reference to the Covenant. As a State party to the Covenant, the Sudan was required to act in compliance with it, and its political options were limited by the provisions of the Covenant.

55. The new Penal Code was an illustration of the Sudan's failure to take account of the Covenant. The Code introduced provisions which disregarded article 7 of the Covenant, and applied the death sentence to crimes other than the most serious, in violation of article 6. He asked how the new Penal Code had been enacted, and whether any attention at all had been paid to the Covenant.

56. The term "participatory democracy" required definition. Was the Government prepared to limit its choices in that respect to the terms of articles 19, 21, 22 and 25 of the Covenant, and to guarantee freedom of expression, peaceful assembly and the right of association? All of those requirements should be taken into account in preparing participatory democracy in order to avoid problems in the future. The citizens of the Sudan should be able to feel confident that, by virtue of their country's accession to the Covenant, they were entitled to certain fundamental rights that would also be taken into account in developing a system of legislation and a future federal constitution for the Sudan.

The meeting rose at 6.10 p.m.